

REMARKS

This is a full and timely response to the non-final Official Action mailed **March 18, 2008** (the “Office Action” or “Action”). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Status:

By the forgoing amendment, the specification and claims 1, 4, 7, 11, 15, 20, and 26-30 have been amended. Additionally, new claims 31 and 32 have been added, and original claims 2 and 5 have been cancelled without prejudice or disclaimer. Thus, claims 1, 3, 4, and 6-32 are currently pending for further action.

35 U.S.C. § 101:

In the outstanding Office Action, the Examiner asserted that the preamble language “processor readable carrier” contained in claims 26-28 indicates non-statutory subject matter. While Applicant does not necessarily agree that this language is directed toward non-statutory subject matter, the indicated claims have been amended herein to read “processor readable medium” to address the issues raised by the Examiner. Following this amendment, all the remaining claims are believed to be in compliance with 35 U.S.C. § 101, and notice to that effect is respectfully requested.

35 U.S.C. § 112, second paragraph:

In the recent Office Action, claims 29-30 were rejected under 35 U.S.C. § 112, second paragraph. These claims have been carefully reviewed in light of the Examiner's comments.

While Applicant does not necessarily agree that any of these claims were indefinite as filed, the indicated claims have been amended herein to address the issues raised by the Examiner under 35 U.S.C. § 112, second paragraph. These amendments are made merely to clarify the claim language as requested by the Examiner and are not intended to change or narrow the scope of the claims. Following this amendment, all the remaining claims are believed to be in compliance with 35 U.S.C. § 112, and notice to that effect is respectfully requested.

Rejections under 35 U.S.C. §102(b):

Claims 1, 3, 4, 7, 8, 9, 10, 15, 16, 17, 18, 26, 28, and 29 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 7,143,328 to Altmann (hereinafter "Altmann"). For at least the following reasons, this rejection should be reconsidered and withdrawn.

Claim 1:

Claim 1 now recites:

A method for selectively passing closed caption data from a source device to a display device comprising:  
receiving a data signal in said source device, said data signal including un-rendered closed caption data and video data;  
separating said video data from said un-rendered closed caption data;  
determining closed caption processing capabilities of said display device;  
*determining if said display device has requested said un-rendered closed caption data; and*

*transmitting said un-rendered closed caption data to said display device only if said display device is configured to process un-rendered closed caption data and has requested said un-rendered close caption data.*

(Emphasis added)

Support for the amendment to claim 1 can be found in the Specification as originally filed by the Applicant at, for example, paragraphs 0031-0033, 0039; Fig. 3 and original claim 2.

Altmann teaches a general arrangement for transmitting auxiliary data, such as closed caption data, with a serialized data stream. However, Altmann does not teach or suggest “determining if said display device has requested ... un-rendered closed caption data” or “transmitting said un-rendered closed caption data to said display device only if said display device is configured to process un-rendered closed caption data and has requested said un-rendered close caption data,” as now recited in claim 1.

In contrast, Altmann merely teaches that “[i]f signal 175 indicates that the receiver is capable of processing the auxiliary data” then the auxiliary data, such as closed caption data, is unconditionally sent to the display device. (Altmann col. 3, line 64 to col. 4, line 11). Thus, Altmann does not teach or suggest transmitting un-rendered closed caption data in response to a display device that has been determined as configured to process un-rendered closed caption data *requesting* the un-rendered closed caption data as recited in claim 1.

Specifically, Altmann does not disclose “determining if said display device has requested ... un-rendered closed caption data” or “transmitting said un-rendered closed caption data to said display device only if said display device is configured to process un-rendered closed caption data and has requested said un-rendered close caption data,” as now recited in claim 1. “A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is

found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. Therefore, for at least the reasons explained here, the rejection of claim 1 based on Altmann should be reconsidered and withdrawn.

The claim limitations of original claim 2 were imported into amended claim 1 by the present paper. Because claim 2 was previously rejected under 35 U.S.C. § 103(a) in view of the combined teachings of Altmann and U.S. Patent No. 5,327,176 to Forler et al. (hereinafter “Forler”), it can be assumed that the Examiner might consider applying this rejection to amended claim 1. However, such a rejection should not be made for at least the following reasons.

Forler discloses a system for processing audio and video components of a television signal such that closed caption text is automatically displayed when the mute function is enabled. (Forler, col. 2, lines 1-12). However, like Altmann, Forler does not disclose “determining if said display device has requested ... un-rendered closed caption data” or “transmitting said un-rendered closed caption data to said display device only if said display device is configured to process un-rendered closed caption data and has requested said un-rendered close caption data,” as now recited in claim 1.

In the first place, Forler does not teach or suggest transmitting *un-rendered* closed caption data under any circumstances. Consequently, Forler cannot teach or suggest “transmitting said un-rendered closed caption data to said display device only if said display device is configured to process un-rendered closed caption data and has requested said un-rendered close caption data.”

Forler teaches a closed captioned decoder 110 which extracts the closed caption data and transmits the closed caption data to an on-screen display processing unit 120 which visually renders the closed caption data. (Forler, Fig. 1 and col. 2, lines 27 – 65). This *rendered* closed caption data then passes through a video switch 130 and out to the display device via a video out signal. (Forler, Fig. 1). Thus, Forler only teaches transmitting this *rendered* closed caption data or none at all. For example, the video out data stream shown in Forler, Fig. 1 has already been processed to include *rendered* closed caption data or alternatively to have excluded the rendered close caption data. Consequently, Forler does not teach or suggest “transmitting said un-rendered closed caption data to said display device.”

Because Forler does not teach or suggest transmitting un-rendered closed-caption data under any circumstances, Forler does not teach or suggest “transmitting said un-rendered closed caption data to said display device only if said display device is configured to process un-rendered closed caption data and has requested said un-rendered close caption data.” For the same reason, Forler does not teach or suggest “determining closed caption processing capabilities of said display device; [and] determining if said display device has requested said un-rendered closed caption data,” as recited in present claim 1.

Consequently, as evident here, the teachings of Forler could not be used to remedy the shortcomings of Altman explained above with respect to amended claim 1. Specifically, neither Altmann nor Forler teach or suggest “determining if said display device has requested ... un-rendered closed caption data” or “transmitting said un-rendered closed caption data to said display device only if said display device is configured to process un-rendered closed caption data and has requested said un-rendered close caption data,” as now recited in claim 1.

For at least these reasons, any combination of Altmann and Forler would not include, teach or suggest all the features of amended claim 1. Therefore, no rejection of claim 1 based on Altmann and Forler should be considered.

Claims 7, 15, 26:

Claim 7 now recites:

A system for selectively passing closed caption data from a source device to a display device comprising:  
a source device; and  
a sink device communicatively coupled to said source device;  
wherein said source device is configured to receive a data signal including un-rendered closed caption data and video data, separate said video data from said un-rendered closed caption data, determine closed caption processing capabilities of said sink device, and *if said sink device is configured to process un-rendered closed caption data and if said sink device requests said un-rendered closed caption data, then transmit said un-rendered closed caption data to said sink device.*

(Emphasis added)

Support for the amendment to claim 7 can be found in the Specification as originally filed by the Applicant at, for example, paragraphs 0031-0033, 0039; Fig. 3 and original claim 2.

Claim 15 now recites:

A system for selectively passing closed caption data from a source device to a display device comprising:  
signal processing means for receiving and processing a video and closed caption containing signal; and  
display means communicatively coupled to said signal processing means;  
wherein said signal processing means is configured to receive a data signal including un-rendered closed caption data and video data, separate said video data from said un-rendered closed caption data, determine closed caption processing capabilities of said display means, and *if said display means is configured to process un-rendered closed caption data and if said display means requests said un-rendered closed caption data, then transmit said un-rendered closed caption data to said display means.*

(Emphasis added)

Support for the amendment to claim 15 can be found in the Specification as originally filed by the Applicant at, for example, paragraphs 0031-0033, 0039; Fig. 3 and original claim 2.

Claim 26 now recites:

A processor readable medium including processor instructions that instruct a processor to perform the steps of:  
receiving a data signal, said data signal including un-rendered closed caption data and video data;  
separating said video data from said un-rendered closed caption data;  
determining closed caption processing capabilities of a coupled display device;  
and  
if said display device is configured to process un-rendered closed caption data and *if said display device requests said un-rendered closed caption data*, then transmitting said un-rendered closed caption data to said display device.  
(Emphasis added)

Support for the amendment to claim 15 can be found in the Specification as originally filed by the Applicant at, for example, paragraphs 0031-0033, 0039; Fig. 3 and original claim 2.

As noted above, Altmann teaches a general arrangement for transmitting auxiliary data associated with a serialized data stream. Moreover, as demonstrated above, Altmann does not teach or suggest a display or sink device that requests un-rendered closed caption data and receives that data only on request.

Consequently, Altmann does not teach or suggest that “if said sink device is configured to process un-rendered closed caption data and if said sink device requests said un-rendered closed caption data, then transmit said un-rendered closed caption data to said sink device,” as recited in claim 7. Altmann further does not teach or suggest or “and if said display means is configured to process un-rendered closed caption data and if said display means requests said un-rendered close caption data, then transmit said un-rendered closed caption data to said display means,” as recited in claim 15. Altmann further does not teach or suggest “if said display device is

configured to process un-rendered closed caption data and if said display device requests said un-rendered closed caption data, then transmitting said un-rendered closed caption data to said display device,” as recited in claim 26.

In contrast, as noted above, Altmann teaches that “[i]f signal 175 indicates that the receiver is capable of processing the auxiliary data,” then the auxiliary data is unconditionally sent to the display device. (Altmann, col. 3, line 64 to col. 4 line 11). Thus, contrary to claims 7, 15 and 26, Altmann does not teach or suggest that un-rendered closed caption data is sent if, and only if, a capable display device requests the un-rendered closed caption data.

“A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. Therefore, for at least the reasons explained here and with respect to claim 1, the rejection of independent claims 7, 15, and 26, as well as their dependent claims, should be reconsidered and withdrawn.

Rejections under 35 U.S.C. §103(a):

Claims 24, 25, and 27:

Claims 24, 25, and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Altmann in view of Forler.

Claim 24 recites:

A monitor descriptor block comprising:  
a first bit, wherein the setting of said first bit indicates a closed caption capability of an associated monitor;



a second bit, wherein the setting of said second bit indicates that said associated monitor requests that un-rendered closed captioning data be transmitted to said associated monitor; and

a third bit, wherein the setting of said third bit indicates that a source device has transmitted closed captioning data to said associated monitor.

In contrast, the combination Altman and Forler does not teach or suggest the subject matter of claim 24.

The cited prior art fails to teach or suggest “a second bit, wherein the setting of said second bit indicates that said associated monitor requests that un-rendered closed captioning data be transmitted to said associated monitor.” To the contrary, Altman teaches that communication from a monitor to the source device “may *not* include a...reverse [communication] channel.” (Altmann, col. 10, lined 6-8) (emphasis added). Because of recognized difficulty in communicating between the source device and monitor in the system described by Altmann, Altmann implements an error detection and correction mechanism. (Altmann, col. 10, lines 4-8). The error detection and correction scheme minimizes the need for the monitor to “indicate errors in the original transmission” to the source device. (Altmann, col. 10, lines 7-8). Thus, not only does the combination of Altman and Forler not teach the claim limitations of claim 24, Altman teaches away from communication of real time requests for un-rendered closed caption data sent from a monitor. For at least this reason, the rejection of claim 24 should be reconsidered and withdrawn.

Additionally, the Examiner argues that Altman teaches “a third bit, wherein the setting of said third bit indicates that a source device has transmitted closed captioning data to said associated monitor,” As recited in claim 24. As noted above, Altman discloses “using error detection and correction, such as a checksum” for “eliminating or reducing re-transmission” of

data over a link. A checksum or other error detection scheme protects the integrity of data by detecting errors in data that are sent through a link or between various elements. However, the utilization of an error detection scheme does not indicate or imply identification of the content of the data or how the data is to be used. According to claim 24, “the setting of said third bit indicates that a source device has transmitted closed captioning data to said associated monitor.” Clearly, an error detection scheme, however implemented, is not “a third bit, wherein the setting of said third bit indicates that a source device has transmitted closed captioning data to said associated monitor.”

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Altman and Forler, do not include the claimed monitor descriptor block, particularly “a second bit, wherein the setting of said second bit indicates that said associated monitor requests that un-rendered closed captioning data be transmitted to said associated monitor” or “a third bit, wherein the setting of said third bit indicates that a source device has transmitted closed captioning data to said associated monitor.” Consequently, the cited prior art will not support a rejection of independent claim 24 or dependent claims 25 and 27 under 35 U.S.C. § 103 and *Graham*.

Claims 20, 21, 22, and 23:

Claims 20, 21, 22, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Altmann in view of U.S. Patent No. 7,023,858 to Ozawa et al. (hereinafter “Ozawa”).

Claim 20 now recites:

A source device configured to selectively pass closed caption data from a source device to a display device comprising:  
a number of data storage units;  
a central processing unit;  
a digital visual interface input/output;  
an I2C bus communicatively coupling said central processing unit and said digital visual interface input/output; and  
a processor communicatively coupled to said central processing unit and said digital visual interface input/output;  
wherein said source device is configured to receive a data signal including un-rendered closed caption data and video data, separate said video data from said un-rendered closed caption data, determine closed caption processing capabilities of a communicatively coupled display device, and if said display device is configured to process un-rendered closed caption data, *and if said display device requests said un-rendered closed caption data*, then transmitting said un-rendered closed caption data to said display device.

As discussed above, Altmann does not teach or suggest a source device configured such that “if said display device is configured to process un-rendered closed caption data, and if said display means requests said un-rendered closed caption data, then [the source device engages in] transmitting said un-rendered closed caption data to said display device.”

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Altman and Ozawa, do not include or suggest “if said display device is configured to process

un-rendered closed caption data, and if said display means requests said un-rendered closed caption data, then transmitting said un-rendered closed caption data to said display device.” Consequently, the cited prior art will not support a rejection of independent claim 20 and dependent claims 21, 22, and 23 under 35 U.S.C. § 103 and *Graham*.

The newly added claims are thought to be patentable over the prior art of record for at least the same reasons given above with respect to the original independent claims. Therefore, examination and allowance of the newly added claims is respectfully requested.

Conclusion:

In view of the foregoing arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

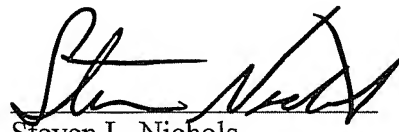
The absence of a reply to a specific rejection, issue or comment in the Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Further, for any

instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

If any fees are owed in connection with this paper that have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC.

Respectfully submitted,



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